

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAMELA BUTLER,)
)
)
Plaintiffs,) Case No. 4:18-cv-01701-AGF
v.)
)
MALLINCKRODT LLC, et al.) Lead Case
)
) **ORAL ARGUMENT REQUESTED**
Defendants.)
)

**DEFENDANT MALLINCKRODT LLC'S MOTION TO EXCLUDE THE
TESTIMONY OF PLAINTIFFS' EXPERT JAMES WELLS, PH.D.**

Defendant Mallinckrodt LLC (“Mallinckrodt”) respectfully moves this Court for an Order excluding the testimony of plaintiffs’ expert James Wells, Ph.D., because his opinions and bases do not satisfy the admissibility requirements of Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Specifically, Dr. Wells’ proffered opinions are scientifically unreliable, the product of improper methodology, and lack factual foundation. Moreover, Dr. Wells is unqualified to testify regarding compliance with the federal radiation safety regulations. As such, his testimony would hinder, rather than help, the jury determine a material issue and should be excluded.

WHEREFORE, for the foregoing reasons, and for the reasons set forth in Defendant Mallinckrodt’s Memorandum in Support of Its Motion to Exclude the Testimony of Plaintiffs’ Expert James Wells, Ph.D., filed contemporaneously with this motion and incorporated by reference, Mallinckrodt moves this Court to exclude the testimony of Plaintiffs’ expert Dr. James Wells.

Dated: August 18, 2021

/s/ David R. Erickson

David R. Erickson, #31532MO

Steven D. Soden, #41917MO

Jason M. Zager, #59432MO

Anthony R. Martinez, #61791MO

SHOOK, HARDY & BACON LLP

2555 Grand Boulevard

Kansas City, Missouri 64108-2613

Telephone: 816.474.6550

Facsimile: 816.421.5547

derickson@shb.com

ssoden@shb.com

jzager@shb.com

amartinez@shb.com

ATTORNEYS FOR DEFENDANT
MALLINCKRODT LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2021, I electronically filed the above with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

/s/ David R. Erickson _____